

Appendix L.

Letter from County Executive Scott Walker



OFFICE OF THE COUNTY EXECUTIVE

Milwaukee County

SCOTT WALKER • COUNTY EXECUTIVE

May 17, 2005

Dean Stan Stojkovic, Chairman
SVP Advisory Sitting Committee
2400 East Hartford Avenue
Endres Hall, Room 1094
Milwaukee, WI 53211

Dear Chairman Stojkovic:

Thank you for your April 19, 2005 letter outlining your concerns with the current site selection process for sexually violent persons. Your committee was in a difficult position from the beginning and you have been left to carry out your charge with limited resources.

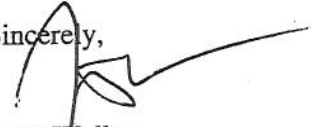
I believe your concerns of having the state provide full resources; adequate staff and communication with the citizens of Milwaukee County are basic requests that should have been made available from the state at beginning of this process. As County Executive, I firmly believe along with the opinion of our Corporation Counsel, that the primary responsibility rests with the State of Wisconsin, particularly the Governor and the Department of Health and Family Services (DHFS) to provide your committee with the proper resources to complete your charge.

In addition, I am hopeful that the state legislature will look at the current language regarding Chapter 980 of state statutes and incorporate the necessary changes while strengthening current law to allow for longer sentences in the case of sexually violent crimes.

I signed Resolution 05-227 adopted by the county board on a vote of 14-5. The resolution directs the state to reexamine the Chapter 980 law and makes clear Milwaukee County will not consider the sale of county-owned land for the purpose of siting a transitional facility for the housing of sexual offenders unless the proposed location meets the criteria outlined in state law and the resolution which I have attached for your reference.

Again, as you continue to complete the committee's assigned task to the best of your ability I ask you to keep me informed of the committee's actions.

Sincerely,


Scott Walker
County Executive

**RECORD OF COUNTY BOARD AND
COUNTY EXECUTIVE ACTIONS** 3327 R2

☒ Resolution
☐ Ordinance

COUNTY BOARD FILE NO.

File No. 05-227

**CERTIFICATION
TO COUNTY
BOARD
PASSAGE**

I certify that the attached resolution or ordinance was adopted by The Board of Supervisors of Milwaukee County at a meeting held on the 28th day of April 2005 by a vote of 14 ayes 5 noes.

4-28-05

DATE SIGNED

4-28-05

DATE SIGNED

Frank Lyon
COUNTY CLERK

Lee H. Holmquist
COUNTY BOARD CHAIRMAN

**COUNTY
EXECUTIVE'S
ACTION**

I approve the attached resolution or ordinance.

May 17, 2005
DATE SIGNED

[Signature]
COUNTY EXECUTIVE

**CERTIFICATION
OF
PUBLICATION**

DATE PUBLISHED

DATE SIGNED

COUNTY CLERK

RECEIPTS

**BY COUNTY
CLERK'S
OFFICE**

DATE SIGNED

SIGNATURE

PR 28 2005

by pub.
amend.

on amend.

7-12

fails

adopted

14-5

By Supervisors Rice, Borkowski, Cesarz, Weishan, Schmitt and Brodenick

APR 28 2005

A RESOLUTION

requesting the State to modify Chapter 980 of the State Statutes regarding Sexually Violent Person Commitments and placing requirements on the sale of county land for the siting of a transitional living facility for sexual offenders

FILE NO.

05-227

WHEREAS, Wisconsin State Statute Chapter 980, which relates to sexually violent person commitments, defines a sexually violent person as "a person who has been convicted of a sexually violent offense, has been adjudicated delinquent for a sexually violent offense, or has been found not guilty of or not responsible for a sexually violent offense by reason of insanity or mental disease, defect, or illness, and who is dangerous because he or she suffers from a mental disorder that makes it likely that the person will engage in acts of sexual violence"; and

WHEREAS, Chapter 980, also known as the sexual predator law, allows for civil commitment of certain sex offenders after they have completed their prison sentences to help ease their transition back into communities; and

WHEREAS, the State Supreme Court has ruled that Chapter 980 civil commitments of certain sex offenders must include the potential for release after they complete their prison sentences, which has resulted in efforts to find a location for the placement of a transitional living facility in Milwaukee County; and

WHEREAS, 2003 Wisconsin Act 187, among other things, created a committee known as the Sexually Violent Persons Transitional Facility Siting Advisory Committee ("Committee") to make recommendations regarding the location of a transitional facility for the housing of persons committed to the custody of the State Department of Health and Family Services under Chapter 980; and

WHEREAS, the legislation directed that the Committee shall consider all of the following factors when determining the criteria for the location of the facility or when determining specific locations for the facility:

1. Community safety
2. Proximity to sensitive locations
3. Ability to make the facility secure
4. Accessibility to treatment for the persons living in the facility
5. Payments that may be made in lieu of property taxes
6. Availability of tax incentives to a community to locate the facility within its jurisdiction
7. Proximity of the placement to all of the following:
 - a) The residence of other persons on supervised release

- b) The residence of persons who are in custody of the department of corrections and regarding whom a sex offender notification bulletin has been issued to law enforcement agencies
- c) Any facility for children of which the committee is aware
- d) Any residential subdivision

WHEREAS, the Committee developed a list of possible locations in Milwaukee County for the placement of the facility for sex offenders, which at one time included two parcels of land owned by Milwaukee County, including 9201 S. 68th Street in Franklin and 10401 West County Line Road in Milwaukee; and

WHEREAS, the Committee appropriately removed the County-owned and other sites from consideration after listening to the concerns of hundreds of residents who testified that the sites were not appropriate for locating a facility for sex offenders; and

WHEREAS, given the challenging task confronting the Committee, additional resources may be needed to find a suitable location and to effectively collaborate with the community; and

WHEREAS, as of 2002, twenty-seven states used global positioning satellite (GPS) technology to track over 1,200 sexual offenders allowing law enforcement personnel to pinpoint their location and helping to prevent recidivism; and

WHEREAS, the Milwaukee County Board of Supervisors previously approved File No. 03-557, (adopted 10/30/03, Vote 23-0) a resolution asking state policymakers, among other things, to modify Chapter 980 legislation to better define the criteria for the release and location of a transitional living facility for sexual offenders; now, therefore,

BE IT RESOLVED, that Milwaukee County will not consider the sale of county-owned land for the purpose of siting a transitional facility for the housing of sexual offenders unless the proposed location meets the criteria outlined in state law, the conditions of this resolution, and conforms to all County Board policies and procedures; and

BE IT FURTHER RESOLVED, that the Milwaukee County Board of Supervisors reaffirms its support for Resolution 03-557, which, among other things, urged state officials to:

1. support legislation to modify Chapter 980 so that more strict, clearly defined, and uniform standards are applied to the determination of eligibility for release of a Chapter 980 patient, with those new standards being applied narrowly and only to cases with documented evidence of extensive, successful treatment

87 2. make administrative rule and state statutory changes to mandate the
88 Department of Health and Family Services (DHFS) to provide public
89 notification to the surrounding community prior to a judge's order for
90 release of a sexually violent person
91

92 ; and
93

94 BE IT FURTHER RESOLVED, that the County Board of Supervisors urges the
95 Governor and the State Legislature to adopt administrative rule and statutory changes
96 within or related to Chapter 980 to:

- 97 • provide the Sexually Violent Persons Transitional Facility Siting Advisory
98 Committee the necessary resources to carry out its mission, and
99 effectively communicate its activities to the general public, local
100 government officials and other interested parties
- 101 • remove the requirement of returning offenders to their county of original
102 residence and provide sufficient state funding to ensure counties will not
103 be responsible for any related costs, including supervision and treatment
- 104 • allow for the placement of sexually violent persons into the most
105 appropriate location statewide, taking into account the criteria for the
106 location of the facility outlined in 2003 Wisconsin Act 187 and, as an
107 additional criterion, include the population density of the surrounding
108 community or region
- 109 • allow counties to periodically review treatment and release plans for
110 compliance with state statutes, report findings to the Governor, State
111 Legislature, and the Department of Health and Family Services
112

113 ; and
114

115 BE IT FURTHER RESOLVED, that the Milwaukee County Board of Supervisors
116 supports the use of the most advanced technology available for the purpose of protecting,
117 treating, deterring, and tracking sexually violent persons and Chapter 980 releases during
118 and after their transition into the community; and
119

120 BE IT FURTHER RESOLVED, that the Director of Intergovernmental Relations is
121 hereby authorized and directed to convey the position established by this resolution to the
122 Governor and members of the Wisconsin Legislature.
123

124 StephenCady\Resolutions\rice sexually violent persons chapter 980C.doc
125

MILWAUKEE COUNTY FISCAL NOTE FORM

DATE: 03/22/05

Original Fiscal Note ☒

Substitute Fiscal Note ☐

SUBJECT: A resolution requesting the State to modify Chapter 980 of the State Statutes regarding Sexually Violent Person Commitments and placing requirements on the sale of county land for the siting of a transitional living facility for sexual offenders

FISCAL EFFECT:

- ☒ No Direct County Fiscal Impact
- ☐ Existing Staff Time Required
- ☐ Increase Operating Expenditures
(If checked, check one of two boxes below)
- ☐ Absorbed Within Agency's Budget
- ☐ Not Absorbed Within Agency's Budget
- ☐ Decrease Operating Expenditures
- ☐ Increase Operating Revenues
- ☐ Decrease Operating Revenues
- ☐ Increase Capital Expenditures
- ☐ Decrease Capital Expenditures
- ☐ Increase Capital Revenues
- ☐ Decrease Capital Revenues
- ☐ Use of contingent funds

Indicate below the dollar change from budget for any submission that is projected to result in increased/decreased expenditures or revenues in the current year.

	Expenditure or Revenue Category	Current Year	Subsequent Year
Operating Budget	Expenditure	0	0
	Revenue	0	0
	Net Cost	0	0
Capital Improvement Budget	Expenditure		
	Revenue		
	Net Cost		

DESCRIPTION OF FISCAL EFFECT

In the space below, you must provide the following information. Attach additional pages if necessary.

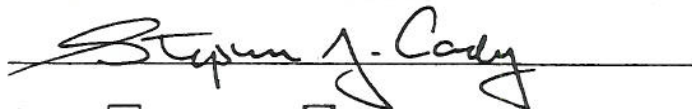
- A. Briefly describe the nature of the action that is being requested or proposed, and the new or changed conditions that would occur if the request or proposal were adopted.
- B. State the direct costs, savings or anticipated revenues associated with the requested or proposed action in the current budget year and how those were calculated.¹ If annualized or subsequent year fiscal impacts are substantially different from current year impacts, then those shall be stated as well. In addition, cite any one-time costs associated with the action, the source of any new or additional revenues (e.g. State, Federal, user fee or private donation), the use of contingent funds, and/or the use of budgeted appropriations due to surpluses or change in purpose required to fund the requested action.
- C. Discuss the budgetary impacts associated with the proposed action in the current year. A statement that sufficient funds are budgeted should be justified with information regarding the amount of budgeted appropriations in the relevant account and whether that amount is sufficient to offset the cost of the requested action. If relevant, discussion of budgetary impacts in subsequent years also shall be discussed. Subsequent year fiscal impacts shall be noted for the entire period in which the requested or proposed action would be implemented when it is reasonable to do so (i.e. a five-year lease agreement shall specify the costs/savings for each of the five years in question). Otherwise, impacts associated with the existing and subsequent budget years should be cited.
- D. Describe any assumptions or interpretations that were utilized to provide the information on this form.

Approval of this resolution will prohibit the sale of certain county-owned properties for the purpose of locating a transitional facility for housing sexual offenders unless certain conditions are met. It also requests changes to State Statute Chapter 980 regarding sexually violent person commitments.

Approval of this resolution does not require the expenditure of funds, however Intergovernmental Relations staff time will be required to communicate its message to the appropriate state legislators and officials. Land sale revenue is not anticipated to be impacted because the properties have not yet been declared surplus and eligible for sale.

Department/Prepared By Steve Cady, Fiscal and Budget Analyst, County Board

Authorized Signature



Did DAS-Fiscal Staff Review? ☐ Yes ☒ No

¹ If it is assumed that there is no fiscal impact associated with the requested action, then an explanatory statement that justifies that conclusion shall be provided. If precise impacts cannot be calculated, then an estimate or range should be provided.